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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,558	11/18/2002	Paul S. Lafata	TRM TR990031	4488

32047 7590 12/30/2005

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MANCHESTER, NH 03101

EXAMINER
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LUK, EMMANUEL S

ART UNIT	PAPER NUMBER
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1722

DATE MAILED: 12/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/089,558	Applicant(s) LAFATA ET AL.	
	Examiner Emmanuel S. Luk	Art Unit 1722	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 18-21 and 24-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 18-21, 24 and 25 is/are allowed.
- 6) ☒ Claim(s) 26-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hepler (5334006).

Hepler teaches the claimed invention having a mold (12) with an edge gate (Col. 5, lines 6-12) and interchangeable tip of the sprue bushing (10). The tip (39) containing the edge gates being interchangeable (Col. 6, lines 4-10), thereby the gates being interchangeable. The cavity located between the first and second mold sections, the second mold section having a recess (28) that allows for the gate design mold member to be insertable (Fig. 2). Hepler teaches threads (41,37) that attaches the tips (39) to the body (30). The tip with the gate edge is inserted into the recess of the mold and is thus removably attachable.

The interchangeable tips (and gates) as taught by Hepler would have been obvious to one of ordinary skill in the art to recognize first and second gates that are interchangeable placed on the apparatus.

Hepler fails to teach a second gate design having a different size and configuration.

Hepler already teaches the first and second gate designs mold members are attachable to the bushing via threaded fasteners with the different numbers of gates leaving the tip with different gate sizes (see Fig. 9 and Fig. 10). A second gate design having a different size and configuration is merely a change in size and shape. Hepler already teaches a second gate with a different configuration in the design of the gate. Thus, it would have been obvious to one ordinary skill in the art to modify Hepler with a second gate having a different size and configuration because it allows for design choice by the user.

### **Response to Arguments**

4. Applicant's arguments filed 10/3/05 have been fully considered but they are not persuasive. The Applicant's arguments have been considered in regards to the claims 18-21, 24, and 25, examiner has noted the distinction between the claimed invention and the prior art. The rejection of claims 26-30 are maintained since it is still obvious to one skilled in the art of how the Hepler teaches the claimed invention. The claimed invention taught in Claim 26 merely teaches the gate design mold member of being at least one interchangeable member and merely needs to be placed in one of the mold

sections and Hepler clearly teaches those features. In regards to the arguments of being used for different pigments, this is an intended use of the invention in apparatus claims and merely needs to be capable of operating in those conditions.

### ***Allowable Subject Matter***

5. Claims 18-21, 24, and 25 are allowed.

6. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach a method of changing gate design mold members for use with different pigments and specifically the second gate mold member comprising of two interchangeable members with one of the interchangeable member located in the recess of the first mold section and the second located in the recess of the second mold section.

### ***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emmanuel S. Luk whose telephone number is (571) 272-1134. The examiner can normally be reached on Monday-Thursday 8 to 5 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Davis can be reached on (571) 272-1129. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1722

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EL

  
**PARVIZ HASSANZADEH**  
**SUPERVISORY PATENT EXAMINER**